

**December 11, 2008**

**Update for the Release of Information for Communicable Disease Investigations Rulemaking  
Arizona Administrative Code (A.A.C.), Title 9, Chapter 6, Article 1, R9-6-102**

Arizona Revised Statutes (A.R.S.) § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” Before this rulemaking, R9-6-102 only addressed the release of protected health information to the Department or a local health agency when the information was requested for the purpose of detecting, preventing, or controlling disease, injury, or disability. The new rule clarifies that the information that is required to be released to the Department or a local health agency when the Department or local health agency is investigating a communicable disease includes more than protected health information.

A Notice of Final Rulemaking was submitted to the Governor’s Regulatory Review Council (GRRC) and was approved at the December 2, 2008 GRRC meeting with an immediate effective date. This means that the rule was effective as of December 2, 2008. The [Notice of Final Rulemaking](#) has been published in the *Arizona Administrative Register*.

In investigating many types of communicable diseases, the Department or a local health agency may require information that is not protected health information. For instance, in investigating a food-borne disease, the Department or a local health agency may require information from food suppliers or retail stores. In investigating a case of Legionnaire disease at a hotel, the Department or a local health agency may require information about the guests of the hotel at the time. This new rule enables the Department or local health agency to obtain this information in a more timely manner and, thus, to protect the health of the public.